

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #3	CCRB Case #: 201805255	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 06/30/2018 6:00 PM	Location of Incident: Inside of § 87(2)(b) [REDACTED]	Precinct: 30	18 Mo. SOL 12/30/2019	EO SOL 12/30/2019	
Date/Time CV Reported Sun, 07/01/2018 11:22 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 07/01/2018 11:22 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Marino Lorenzo	10017	932921	030 PCT
2. POM Griffen Sheridan	01618	961283	030 PCT
3. POM Matthew Deighan	22212	962350	030 PCT
4. POM Michael Demelfi	17678	960445	030 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brian Dennis	13090	906089	030 PCT
2. SGT Eric Carricato	05081	942766	030 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Demelfi	Abuse: Police Officer Michael Demelfi entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
B.POM Marino Lorenzo	Abuse: Police Officer Marino Lorenzo entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
C.POM Griffen Sheridan	Abuse: Police Officer Griffen Sheridan entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
D.POM Matthew Deighan	Abuse: Police Officer Matthew Deighan entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
E.POM Marino Lorenzo	Force: Police Officer Marino Lorenzo used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
F.POM Marino Lorenzo	Force: Police Officer Marino Lorenzo used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
G.POM Marino Lorenzo	Abuse: Police Officer Marino Lorenzo threatened § 87(2)(b) with the use of force.	
H.POM Marino Lorenzo	Abuse: Police Officer Marino Lorenzo threatened § 87(2)(b) with the use of force.	
I.POM Marino Lorenzo	Abuse: Police Officer Marino Lorenzo forcibly removed § 87(2)(b) to the hospital.	
J.POM Griffen Sheridan	Abuse: Police Officer Griffen Sheridan forcibly removed § 87(2)(b) to the hospital.	
K.POM Michael Demelfi	Abuse: Police Officer Michael Demelfi forcibly removed § 87(2)(b) to the hospital.	
L.POM Matthew Deighan	Abuse: Police Officer Matthew Deighan forcibly removed § 87(2)(b) to the hospital.	

### Case Summary

On July 1, 2018, § 87(2)(b) filed this complaint with the CCRB via the call processing system.

On June 30, 2018, at approximately 7:06 P.M., PO Marino Lorenzo, PO Griffen Sheridan, PO Michael Demelfi, and PO Matthew Deighan of the 30<sup>th</sup> Precinct responded to § 87(2)(b)'s home at § 87(2)(b) following a 911 call from her ex-boyfriend stating that she had been sending suicidal texts, and that her two children were in the apartment with her. Upon officers' arrival, § 87(2)(b) denied them entry and attempted to close the apartment door, after which PO Lorenzo grabbed § 87(2)(b)'s arm and entered the apartment in order to place her in handcuffs, after which PO Demelfi, PO Sheridan, and PO Deighan followed (**Allegations A-C, Abuse of Authority: § 87(2)(g); Allegation D, Abuse of Authority: § 87(2)(g)**). § 87(2)(b) struggled during the process of being handcuffed, and her one-year-old daughter § 87(2)(b) approached. PO Lorenzo allegedly placed his hand on § 87(2)(b)'s face and pushed her away until her back hit a nearby wall (**Allegation E, Force: § 87(2)(g)**). § 87(2)(b) was removed from the apartment and seated in the building stairwell, where she spat on PO Lorenzo's face. PO Lorenzo reached out to block § 87(2)(b) from spitting again, then struck the right side of her face before pushing her back until her face was pinned against one of the building stairs (**Allegation F, Force: § 87(2)(g)**). EMS responded shortly thereafter, and in the process of explaining what had happened, § 87(2)(b) threatened to spit on PO Lorenzo again. In response, PO Lorenzo drew his taser and pointed it at § 87(2)(b) (**Allegation G, Abuse of Authority: § 87(2)(g)**). PO Lorenzo allegedly waved the taser back and forth, and at one point allegedly pointed the taser at § 87(2)(b)'s neighbor § 87(2)(b) (**Allegation H, Abuse of Authority: § 87(2)(g)**). Sgt. Eric Carricato and PO Brian Dennis of the 30<sup>th</sup> Precinct arrived on scene. § 87(2)(b) was ultimately removed to § 87(2)(b) (**Allegations I-K, Abuse of Authority: § 87(2)(g)**). **Allegation L, Abuse of Authority: § 87(2)(g)**).

Video footage of this incident was recovered.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Michael Demelfi entered § 87(2)(b) in Manhattan.**

**Allegation (B) Abuse of Authority: Police Officer Marino Lorenzo entered § 87(2)(b) in Manhattan.**

**Allegation (C) Abuse of Authority: Police Officer Griffen Sheridan entered § 87(2)(b) in Manhattan.**

**Allegation (D) Abuse of Authority: Police Officer Matthew Deighan entered § 87(2)(b) in Manhattan.**

In her testimony to the CCRB, § 87(2)(b) stated that she was preparing to leave her father's home with her § 87(2)(b)-old daughter and § 87(2)(b)-old son when PO Demelfi opened the apartment door, which was unlocked, and stepped one foot in [BR 01]. § 87(2)(b) asked why the officers were there, and PO Demelfi said that they had received a call, then asked if anyone else was in the home and if anyone was injured. Within minutes, PO

Lorenzo arrived and pushed PO Demelfi out of the way, then pushed open the front door to enter the apartment. PO Lorenzo immediately grabbed § 87(2)(b)'s left arm and placed a handcuff on her left wrist, and repeatedly asked § 87(2)(b) why she was resisting.

The CCRB attempted to make contact with the 911 caller, who remained unavailable [BR 26].

PO Demelfi testified to the CCRB that he and PO Deighan responded to a radio run regarding a possible suicide at the location after a 911 caller stated that § 87(2)(b) had texted the caller about committing suicide and that there were two children in the apartment with her [BR 09]. A description of § 87(2)(b) was provided but PO Demelfi did not recall who made the 911 call or whether officers spoke to the caller. Upon arrival, PO Demelfi noted that there were no sounds coming from the apartment, and he believed the occupants might be hurt. He also noted that the front door of the apartment was slightly open, approximately one inch, and approximately two minutes after arriving he pushed it open further but did not cross the threshold. PO Demelfi did not recall whether officers attempted to establish contact with § 87(2)(b) before pushing the door open. As the door was being opened § 87(2)(b) approached and began screaming that the officers had no right to be there and attempted to push the door closed. The officers explained why they were there and said that § 87(2)(b) needed to be evaluated. PO Demelfi placed his foot in the door to prevent § 87(2)(b) from being barricaded in the apartment while PO Lorenzo spoke with her. After approximately five minutes, PO Lorenzo pushed the door open further, and he and PO Demelfi grabbed § 87(2)(b) to place her in handcuffs.

PO Lorenzo's testimony was consistent with that of PO Demelfi with the following exceptions [BR 11]. The 911 caller was § 87(2)(b)'s boyfriend, who stated that she had called him and said that she did not want to be there anymore. The officers did not have time to contact the 911 caller, who was not on scene, before interacting with § 87(2)(b). PO Lorenzo did not recall whether any description of the children in the apartment was provided. PO Demelfi and PO Deighan spoke with § 87(2)(b) first and tried to convince her to let them check on the children. PO Lorenzo did not recall how PO Demelfi and PO Deighan established contact with § 87(2)(b) or how the door came to be opened. PO Lorenzo arrived at the apartment and approached the door, where he spoke to § 87(2)(b) and tried to convince her to let the officers enter the apartment to verify that everyone was safe. § 87(2)(b) was aggravated and refused to cooperate or open the door more than a few inches. § 87(2)(b) attempted to close the door. PO Lorenzo noted that he could hear one of the children but not the other. PO Lorenzo reached into the apartment, grabbed § 87(2)(b)'s arm, and entered the apartment approximately three to four feet before placing her in handcuffs. Either PO Demelfi or PO Deighan immediately helped PO Lorenzo place § 87(2)(b) in handcuffs.

PO Sheridan's testimony was consistent with that of PO Lorenzo and PO Demelfi with the following exceptions [BR 10]. Upon arrival, officers knocked on the apartment door, and approximately 30 seconds later § 87(2)(b) answered the door with one child with her. The officers stated that they were there for § 87(2)(b)'s safety and the children's safety, and to make sure everyone was okay. § 87(2)(b) continued to be irate and did not allow the officers to see the second child and ensure everyone's safety. PO Sheridan did not recall who first entered the apartment but noted that the rest of the officers followed. § 87(2)(b) was placed in handcuffs for the safety of officers and her children because she was acting irate.



PO Sheridan's testimony was consistent with that of PO Lorenzo and PO Demelfi with the following exceptions [BR 10]. One of the officers, who PO Sheridan believed may have been PO Deighan, picked up § 87(2)(b)'s child. PO Sheridan did not see any other officers have contact with § 87(2)(b).

PO Lorenzo's body worn camera footage shows that during the struggle between § 87(2)(b) and officers, PO Lorenzo's body worn camera fell off and recorded from the floor of § 87(2)(b)'s apartment [BR 02]. § 87(2)(b) is heard crying as she approaches her mother, who is in the process of being handcuffed by officers. § 87(2)(b) steps forward and her leg appears to collide with § 87(2)(b) who falls back out of the frame. § 87(2)(b) approaches again, and PO Lorenzo picks her up by her right arm and passes her to PO Deighan, who holds her and exits the apartment.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (F) Force: Police Officer Marino Lorenzo used physical force against § 87(2)(b)**

**Allegation (G) Abuse of Authority: Police Officer Marino Lorenzo threatened § 87(2)(b) with the use of force.**

**Allegation (H) Abuse of Authority: Police Officer Marino Lorenzo threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) testified to the CCRB that after PO Lorenzo removed her from the apartment, he guided her face down onto the stairs in the hallway until her face was on one of the steps [BR 01]. PO Lorenzo kept one hand on her handcuffs while placing a forearm on her back and a knee on her behind, placing his weight on her. § 87(2)(b) screamed to get the attention of her neighbors, who began to come out of their apartments. PO Lorenzo kept § 87(2)(b) on the stairs for approximately 10-15 minutes. At one point during that time, PO Lorenzo appeared to be letting go of § 87(2)(b) and she attempted to get up. PO Lorenzo hit § 87(2)(b) on the right side of her face and held her back down, and § 87(2)(b) bit his finger. After approximately 10 minutes on the stairs, EMS arrived. One EMT, identified by the investigation as EMT § 87(2)(b) told § 87(2)(b) to calm down. EMT § 87(2)(b) also instructed PO Lorenzo to get off of § 87(2)(b) to which PO Lorenzo replied, "Do you know what she did to me?" referring to the bite. § 87(2)(b) was allowed to sit up and began to calm down but demanded that officers "Get him the fuck away from me," referring to PO Lorenzo. PO Lorenzo took out his taser and pointed it at § 87(2)(b) then waved it around in what § 87(2)(b) described as a careless manner. Sgt. Carricato arrived shortly thereafter and immediately told PO Lorenzo to put away his taser, although PO Lorenzo did not comply until the order had been given approximately six to seven times. § 87(2)(b) sustained bruising to her right cheek, scratches to her neck and chest, and bruising to her buttocks as a result of this incident.

§ 87(2)(b)'s neighbor § 87(2)(b) who lived on the second floor of the building, testified to the CCRB that she heard § 87(2)(b) screaming from her apartment, making statements including "Get off of me," "You're hurting me," and "I can't breathe" [BR 04]. Upon seeing EMT § 87(2)(b) and her partner EMT § 87(2)(b) going upstairs, § 87(2)(b) realized that there may have been a medical emergency and ran past them to see if she could help as a physician. Upon reaching the fifth floor of the building, § 87(2)(b) saw § 87(2)(b) who was handcuffed and held face down on the stairs by PO Lorenzo, with her face pushed into the corner of one stair. PO Lorenzo appeared to have his full weight on § 87(2)(b) with a knee and an arm leaning into her back and was twisting her arm. EMT § 87(2)(b) tried to get between § 87(2)(b) and attempted to calm PO Lorenzo down, but he continued to pull § 87(2)(b)'s arms up high behind her back. PO Lorenzo said to EMT § 87(2)(b) "Do you know what she did to me?" PO Lorenzo eventually eased up slightly, and § 87(2)(b) was able to turn around and sit up. § 87(2)(b) saw that § 87(2)(b)'s lip was bleeding and her cheek was bruised or swollen. In response to PO Lorenzo's question, § 87(2)(b) stated, "Of course I spat on you. You came into my apartment without a warrant and attacked me, what else was I going to do?" § 87(2)(b) was screaming and using profanity as well, stating that there were cameras in the hallway and she was going to sue PO Lorenzo. § 87(2)(b) said, "I should do it again," and made a sound as if she was going to spit. § 87(2)(b) felt that it was obviously an empty threat, and no one in the area moved because no one thought she would actually spit. PO Lorenzo took out his taser and waved it back and forth because EMT § 87(2)(b) was between him and § 87(2)(b). § 87(2)(b) noted that none of the other three officers were trying to deescalate the situation, and at one point the taser was pointed in § 87(2)(b)'s direction.

§ 87(2)(b) and § 87(2)(b) who lived in the apartment across from § 87(2)(b), arrived at their home during the incident. § 87(2)(b) testified to the CCRB that he and § 87(2)(b) heard distressed screaming as they went upstairs but could not make out any statements [BR 05]. On the fifth floor, § 87(2)(b) saw § 87(2)(b) in handcuffs seated on the stairs with two to three police officers around her. PO Lorenzo was holding on to § 87(2)(b) who was visibly distressed. § 87(2)(b)'s view was partially blocked by the banister of the stairwell but he could clearly see § 87(2)(b) and PO Lorenzo. § 87(2)(b) saw PO Lorenzo move his arm in a way that appeared to be twisting § 87(2)(b)'s arm or wrists and clearly causing her pain in response to her screaming, although he did not see specifically what PO Lorenzo was doing to her. § 87(2)(b) was screaming in response to whatever PO Lorenzo was doing, and EMT § 87(2)(b) told PO Lorenzo, "Hey, stop doing that." § 87(2)(b) feigned spitting at PO Lorenzo but did not actually spit, and PO Lorenzo drew his taser and pointed it at § 87(2)(b). PO Lorenzo did not point the taser at anyone else, and § 87(2)(b) did not recall whether PO Lorenzo made any statements when he drew the taser.

§ 87(2)(b) testimony was consistent with that of § 87(2)(b) with the following exceptions [BR 06]. When § 87(2)(b) and § 87(2)(b) arrived on the fifth floor, § 87(2)(b) was on her side on the stairs and was in handcuffs, with PO Lorenzo's hands securing her wrists. After EMT § 87(2)(b) and EMT § 87(2)(b) arrived, PO Lorenzo appeared to be twisting some part of § 87(2)(b)'s arm and causing her pain. § 87(2)(b) was allowed to sit up and speak with EMS. § 87(2)(b) did not recall at what point PO Lorenzo drew his taser but noted that he did not wave or point it anywhere. The taser was out for less than one minute before it was put away.

EMT § 87(2)(b) testified to the CCRB that as she proceeded up the stairs of the building, she heard § 87(2)(b) screaming and crying while saying, “Get off me” repeatedly [BR 07]. Upon arriving to the fifth floor, EMT § 87(2)(b) observed § 87(2)(b) handcuffed with PO Lorenzo on top of her. § 87(2)(b) was seated on the stairs and hunched forward with her arms behind her back. PO Lorenzo was twisting § 87(2)(b)s arm and appeared to use his body weight to hold § 87(2)(b) down. EMT § 87(2)(b) did not recall what parts of PO Lorenzo were making contact with § 87(2)(b) but noted that he was using his hand to twist her left arm and pulled downward. § 87(2)(b) was hyperventilating and attempting to shrug off PO Lorenzo. EMT § 87(2)(b) approached § 87(2)(b) and spoke to her until she calmed down, and an officer removed her handcuffs. EMT § 87(2)(b) told PO Lorenzo to get off of § 87(2)(b). While § 87(2)(b) was speaking, PO Lorenzo made a comment, which EMT § 87(2)(b) could not recall, that appeared to anger § 87(2)(b) again. § 87(2)(b) cocked her head back and made a sound as if she was going to spit at PO Lorenzo, who took out his taser and pointed it at her. § 87(2)(b) ultimately did not spit. EMT § 87(2)(b) did not recall whether PO Lorenzo made any statements while taking out his taser. EMT § 87(2)(b) stood between PO Lorenzo and § 87(2)(b) and stated, “You’re not going to tase her, that is not necessary.” EMT § 87(2)(b) noted that § 87(2)(b) was not in handcuffs at that point and was not making any movements. The taser was not pointed at anyone else.

EMT § 87(2)(b)s testimony was consistent with that of EMT § 87(2)(b) with the following exceptions [BR 08]. EMT § 87(2)(b) stood on the upper stairwell at eye level with § 87(2)(b) who was being held by PO Lorenzo face down on the stairs. § 87(2)(b) was screaming and thrashing around, trying to get up from the stairs. § 87(2)(b) moved her legs to brace them enough to stand. § 87(2)(b) was not making any motions directed towards the officers. EMT § 87(2)(b) testified that no tasers were taken out during the incident.

PO Lorenzo testified to the CCRB that after he sat § 87(2)(b) on the stairs in the building hallway, she spit on his face [BR 11]. PO Lorenzo put his right hand out to block § 87(2)(b) from spitting again and to turn her face away, and § 87(2)(b) bit PO Lorenzo’s right middle finger, breaking skin. PO Lorenzo did not make contact with § 87(2)(b)s face before he was bitten but did so afterwards to turn her face away. PO Lorenzo did not recall his hand striking or making contact with § 87(2)(b)s face in the process of blocking the spit and noted that his intention was to turn her face away. After he was shown video footage from the incident, PO Lorenzo noted that he grabbed § 87(2)(b)s hair when she spat at him because it was the only part of her person that he was able to grab at the moment. PO Lorenzo pushed § 87(2)(b) back until her face rested on one of the stairs, which he noted was intended to gain control of § 87(2)(b). PO Lorenzo then turned § 87(2)(b) onto her stomach, while still on the stairs, to restrain her and turn her away from him. PO Lorenzo’s left hip made contact with § 87(2)(b)s person, but he did not recall placing his knee on § 87(2)(b)s lower back or buttocks to hold her down. After EMS arrived, PO Lorenzo moved approximately seven feet away from § 87(2)(b) with EMT § 87(2)(b) standing between them. EMS spoke to § 87(2)(b) who continued to scream and use profanity at PO Lorenzo, then moved her mouth and made a sound that indicated that she was going to spit on PO Lorenzo again. § 87(2)(b) did not make any other movements with her body. PO Lorenzo believed that § 87(2)(b) was going to spit at



him specifically because he was the one who had control over her and because her attention was directed at him. PO Lorenzo took out his taser and told § 87(2)(b) that he would use the taser on her if she spat on him again, with the intention of deterring her from spitting again. PO Lorenzo noted that he was not going to use his taser on § 87(2)(b) but just wanted to see if she would stop spitting. PO Lorenzo stated that department procedure for individuals in custody who are spitting normally involves placing a mask on the person, but there were no masks available at the time of the incident. PO Lorenzo first stated that he was too close to turn § 87(2)(b)'s face away as he did the first time, but later stated that turning her face away would have been an option but that EMS was speaking with her at the time. The cartridge of the taser fell off when PO Lorenzo took it out, and it was not pointed at § 87(2)(b).

PO Demelfi's testimony was consistent with that of PO Lorenzo with the following exceptions [BR 09]. § 87(2)(b) continued to scream while sitting on the stairs and attempted to stand up. PO Lorenzo and PO Sheridan remained in the hallway with § 87(2)(b) while PO Demelfi went into the apartment to ensure the safety of the children. PO Demelfi moved in and out of the apartment throughout the incident. PO Demelfi did not witness § 87(2)(b) spitting at PO Lorenzo. PO Demelfi believed that PO Lorenzo took out his taser because he was in fear for his safety because it was unknown what diseases § 87(2)(b) could transmit to PO Lorenzo by spitting on him. PO Demelfi did not recall whether § 87(2)(b) had begun to spit at PO Lorenzo when the taser was taken out. PO Demelfi did not recall the procedure for addressing individuals in custody who are spitting at officers but noted that a taser is not part of the procedure.

PO Sheridan testified to the CCRB that after § 87(2)(b) was taken into the hallway of the building, he went into the apartment to check on her second child, whom § 87(2)(b) had stated was in one of the back bedrooms [BR 10]. PO Sheridan remained in the apartment while PO Lorenzo and PO Deighan, with § 87(2)(b)'s child, remained in the hallway. PO Sheridan was not aware of a taser needing to be deployed during the incident and did not know whether one was ever taken out at any point. PO Sheridan did not see any officers have contact with § 87(2)(b)'s face.

§ 87(2)(b)'s medical records from § 87(2)(b) on the incident date note that she had scratches on her neck, chest, left arm, and upper back, red marks on her chest, a small abrasion to her upper lip, and a bruise on her left shoulder when she was seen by medical personnel at approximately 8:00 P.M. [Privileged Documents 02] [BR 16, 17, 18].

Building surveillance footage from § 87(2)(b) has no audio. The relevant excerpt has been slowed down to 0.7x speed to display all movements more clearly [BR 12]. In the video, PO Lorenzo exits the apartment with his right arm linked in § 87(2)(b)'s left arm. § 87(2)(b) is already in handcuffs. § 87(2)(b) is sat on the second step, while PO Lorenzo appears to hold her arms. § 87(2)(b) stands and spits at PO Lorenzo's face. PO Lorenzo appears to strike the left side of § 87(2)(b)'s face with his left hand with an open palm, and appears to grab § 87(2)(b)'s hair, which is tied into a bun. PO Lorenzo's right hand is then seen swinging and appears to strike the right side of § 87(2)(b)'s face, although it is unclear whether he uses a fist or an open palm. PO Lorenzo guides § 87(2)(b) onto her back on the stairs and appears to use an open palm to hold the right side of her face until the left side of her face is against the step. PO Deighan, who is standing to PO Lorenzo's right, touches PO Lorenzo's arm several times. PO Lorenzo holds § 87(2)(b)'s face to the step for approximately 25 seconds, after which he turns § 87(2)(b).

§ 87(2)(b) until she is on her front against the stairs and partially against the wall. PO Lorenzo appears to pull § 87(2)(b)'s arms up towards her neck and hold them there. PO Lorenzo then places his left knee against what appears to be § 87(2)(b)'s left buttock.

In another excerpt from the same surveillance footage, which still has no audio and has not been slowed, § 87(2)(b) is seen seated upright on the same steps [BR 13]. EMT § 87(2)(b) stands in front of § 87(2)(b) with PO Lorenzo to EMT § 87(2)(b)'s right. § 87(2)(b) stands behind PO Lorenzo while EMT § 87(2)(b) stands one flight below the fifth floor. § 87(2)(b) is seen puffing out her cheeks as she looks at PO Lorenzo, who immediately removes his taser from the holster. The taser is held up in § 87(2)(b)'s direction. The cartridge falls off the taser and PO Lorenzo bends to retrieve it as an unidentified officer reaches out to him from inside the apartment, and § 87(2)(b) and EMT § 87(2)(b) address PO Lorenzo.

In an excerpt from PO Demelfi's BWC footage, § 87(2)(b) is heard speaking to EMT § 87(2)(b) about how the officers entered the apartment and the force that was used [BR 15]. § 87(2)(b) then states, "So I spit on you, and I should spit on you again," appearing to address PO Lorenzo. PO Lorenzo is seen removing his taser from its holster as § 87(2)(b) states, "What are you going to do, tase me?" PO Demelfi reaches a hand out to PO Lorenzo and says no several times. PO Lorenzo is heard saying, "Spit on me," twice.

NYPD Patrol Guide procedure 221-01 outlines the circumstances under which force may be used, and states that force may be used to ensure the safety of a member of service or a third person when it is reasonable to place a person in custody or prevent escape from custody [BR 21]. The Patrol Guide also notes that force may be used when de-escalation techniques, used to stabilize the situation until more resources are available, are unsuccessful.

NYPD Patrol Guide procedure 221-08 outlines the proper use of a taser, also called a conducted electrical weapon [BR 22]. A taser may be used to subdue aggressive suspects and emotionally disturbed persons and is classified as a significant intermediate use of force. A taser should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons present.

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation (I) Abuse of Authority: Police Officer Marino Lorenzo forcibly removed § 87(2)(b) to the hospital.**

**Allegation (J) Abuse of Authority: Police Officer Griffen Sheridan forcibly removed § 87(2)(b) to the hospital.**

**Allegation (K) Abuse of Authority: Police Officer Michael Demelfi forcibly removed § 87(2)(b) to the hospital.**

**Allegation (L) Abuse of Authority: Police Officer Matthew Deighan forcibly removed § 87(2)(b) to the hospital.**

§ 87(2)(b) testified to the CCRB that after Sgt. Carricato arrived, officers tried to make her leave the building and go to the hospital, but she sat on the floor and refused to leave until a family member arrived to take care of her children, who were still in the apartment [BR 01]. She also objected and stated that she did not want or need to go to the hospital. § 87(2)(b) ultimately told § 87(2)(b) and § 87(2)(b) to go into the apartment and watch her children until her father arrived. Once downstairs, § 87(2)(b) was told that a family member had called 911 stating that she had been making suicidal statements. § 87(2)(b) denied ever making such statements.

§ 87(2)(b) alleged that in the ambulance, her handcuffs were removed, and PO Dennis told her that if she became hostile they would be placed back on, and she would be sedated and arrested. A threat of arrest allegation is not being pleaded against PO Dennis because in his body worn camera footage, only a female voice that appeared to be EMS told her that she would be arrested, and PO Dennis never made such a statement [BR 03].

As previously stated, PO Lorenzo testified to the CCRB that § 87(2)(b)'s boyfriend had called 911 regarding suicidal texts she had sent, and officers did not have time to contact the 911 caller before interacting with § 87(2)(b) [Br 11]. EMS did not consult with officers before speaking with § 87(2)(b). PO Lorenzo did not recall whether EMS consulted with officers at any point. PO Lorenzo noted that it was the supervisor's ultimate decision to remove § 87(2)(b) to the hospital. PO Lorenzo had no part in the decision to take § 87(2)(b) to the hospital.

PO Sheridan's testimony was consistent with that of PO Lorenzo with the following exceptions [Br 10]. PO Sheridan remained in § 87(2)(b)'s apartment with her children until EMS arrived but noted that officers did not call for EMS. EMS asked § 87(2)(b) questions, although PO Sheridan did not recall whether § 87(2)(b) responded. PO Sheridan did not recall whether EMS consulted with the other officers on scene but noted that he did not speak with them. PO Sheridan was not involved in the decision to remove § 87(2)(b) to the hospital. PO Sheridan clarified that the AIDED report he prepared for § 87(2)(b)

§ 87(2)(b) stated that § 87(2)(b) had attempted to harm herself based on the 911 call and not on behavior that he personally observed [NYPD 01].

PO Demelfi's testimony was consistent with that of PO Sheridan and PO Lorenzo with the following exceptions [BR 09]. EMS was dispatched as a result of the 911 call and not because officers called them. PO Demelfi was not aware of whether there was any difficulty in having § 87(2)(b) leave the location with EMS. PO Demelfi did not recall whether officers spoke with EMS but assumed that EMS made the decision to remove § 87(2)(b) to the hospital. PO Demelfi was not involved in the decision to take § 87(2)(b) to the hospital.

PO Deighan resigned before he could be interviewed at the CCRB [NYPD 04].

EMT § 87(2)(b) testified to the CCRB that with calls about emotionally disturbed persons, particularly in cases where the patient is said to be suicidal, the patient cannot be left at the location without going to the hospital [BR 07]. EMT § 87(2)(b) also noted that given that there were children in the apartment who could have been harmed, § 87(2)(b) would need to go to the hospital. EMT § 87(2)(b) stated that when § 87(2)(b) was screaming, crying, and struggling with the officers, she did appear to be a threat to herself. EMT § 87(2)(b) described § 87(2)(b)'s behavior as erratic.

EMT § 87(2)(b) testified to the CCRB that § 87(2)(b) did not make any threatening statements at any point in the interaction [BR 08]. § 87(2)(b) stated that she did not want to go to the hospital but did not resist further. EMT § 87(2)(b) did not believe that § 87(2)(b) was emotionally disturbed nor a harm to herself. § 87(2)(b) might have been a harm to officers, but not to herself, because of her anger towards the officers.

NYPD Patrol Guide procedure 221-13 defines an emotionally disturbed person (EDP) as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner in which a police officer reasonably believed is likely to result in serious injury to himself or others [BR 20]. The procedure also states that officers should assess the situation as to threat of immediate serious physical injury to the emotionally disturbed person, other persons, or members of service, and request an ambulance.

911 call audio associated with NYPD event #§ 87(2)(b) corroborates PO Demelfi's testimony that EMS was dispatched after the 911 call and not because of an officer request, as the 911 operator is heard connecting the caller to EMS [NYPD 02]. As previously stated, the 911 caller provided § 87(2)(b)'s name, exact location, and date of birth, and indicated that she had threatened to harm herself while her children were with her.

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first complaint to which § 87(2)(b) has been a party [BR 27].

- PO Lorenzo has been a member of service for 15 years and has been a subject of nine other CCRB complaints with 11 allegations.
  - Case #201704721 involved a substantiated allegation of a premises entry. The Board recommended command level instructions. The NYPD recommended and implemented formalized training.

## Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- On April 25, 2019, a request to determine if a Notice of Claim was filed was submitted; confirmation from the Office of the New York City Comptroller will be forwarded upon receipt [BR 24].
- § 87(2)(b) § 87(2)(c)

Squad No.: 3

Investigator: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_

Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_